

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Kraft Foods Global, Inc., et al.

Plaintiff,

v.

Case No.: 1:11-cv-08808

Honorable Steven C. Seeger

United Egg Producers, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, October 12, 2023:

MINUTE entry before the Honorable Steven C. Seeger: The Court presided over the second installment of the final pretrial conference on October 12, 2023. Once again, the Court and the parties covered a lot of ground on a wide assortment of topics, including the logistics, scheduling, and overall mechanics of trial, as well as a number of substantive topics. In particular, the Court entertained an extended discussion of Plaintiffs' renewed motion about post-2008 evidence. (Dckt. No. [314]) During the hearing, this Court issued an oral ruling on that motion. The motion is denied, for reasons that the Court explained at the hearing, and for the reasons that the Court will give in an order to follow. The lay of the land is as follows. Plaintiffs alleged that Defendants engaged in a conspiracy through 2008, and that the anticompetitive effects lasted until 2012. As things stand, Plaintiffs are seeking damages through 2012. That is, Plaintiffs hope to recover damages during the period of the alleged conspiracy (ending in 2008). Plaintiffs also hope to recover damages from 2009 to 2012, meaning the injury tail period. As this Court ruled, Plaintiffs cannot recover damages from 2009 to 2012 unless they prove that they suffered an antitrust injury from 2009 to 2012. Plaintiffs must make that showing during the liability phase of the trial, not the damages phase of the trial, because the existence of an injury is an essential element of the claim. During the hearing, this Court asked Plaintiffs to confirm that they are still seeking damages for the period from 2009 to 2012. Plaintiffs must file a status update or a motion on this topic by 5:00 p.m. on Saturday, October 14, 2023. Mailed notice. (jjr,)

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